

REMARKS

By this amendment, Applicants have amended claims 1, 3, and 4. As a result, claims 1-26 remain pending in this application. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the objections and rejections and reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, the Office rejects claims 1 and 3-4 under 35 U.S.C. § 112, second paragraph. In particular, claim 1 is rejected as allegedly omitting an essential step. In response, Applicants have herein amended the claim to expressly state that the base parameters are obtained. Additionally, claims 3 and 4 are rejected for allegedly having insufficient antecedent basis for claim limitations. In response, Applicants have herein amended the claims to clarify the claimed limitations. As a result, Applicants respectfully submit that claims 1 and 3-4 comply with the provisions of 35 U.S.C. § 112, second paragraph and respectfully request withdrawal of this rejection.

Applicants thank the Examiner for the indication that claims 2-9, 11-16, 18-19, and 21-26 include patentable subject matter. However, the Office rejects claims 1, 10, 17, and 20 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,970,754 (Nanbu). In order to establish a *prima facie* case of obviousness, the Office must show that (1) every feature is taught or suggested by Nanbu; (2) Nanbu or generally available knowledge suggests or motivates the modification(s); and (3) one would have a reasonable expectation of success. MPEP 2143. Because the Office fails to establish a *prima facie* case of obviousness, Applicants

respectfully request withdrawal of the rejections of claims 1, 10, 17, and 20 for the following reasons.

Initially, Applicants note that the Office fails to show that Nanbu or generally available knowledge suggests or motivates the Office's modifications to Nanbu or that one would have a reasonable expectation of success as required in a rejection under 35 U.S.C. § 103(a). As a result, Applicants respectfully request withdrawal of the rejection of claims 1, 10, 17, and 20 as allegedly being unpatentable over Nanbu.

Further, referring to claim 1 as an illustrative claim, the Office fails to show that Nanbu teaches or suggests every feature of the claimed invention. For example, the Office fails to show that Nanbu teaches or suggests, *inter alia*, the claimed calculating a complexity factor based on designated custom parameters and the reference die. In support of its rejection, the Office cites col. 8, line 54-col. 9, line 10 of Nanbu as allegedly teaching the claimed feature. However, this discussion is limited to the various components of a marketing supporting apparatus. Applicants note that none of these components calculates a complexity factor based on designated custom parameters and a reference die. As a result, Applicants again respectfully request withdrawal of the rejection of claims 1, 10, 17, and 20 as allegedly being unpatentable over Nanbu. However, should the Office maintain its rejection, Applicants request that the Office particularly point out that component of Nanbu that allegedly calculates a complexity factor based on designated custom parameters and a reference die.

Similarly, since the Office fails to show that Nanbu teaches or suggests the claimed calculating a complexity factor, the Office also fails to show that Nanbu teaches or suggests the claimed calculating a custom die price based on a base die, custom parameters and the

complexity factor. As a result, Applicants again respectfully request withdrawal of the rejection of claims 1, 10, 17, and 20 as allegedly being unpatentable over Nanbu.

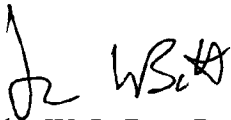
Still further, the Office fails to show that Nanbu teaches the use of both a base die and a reference die in calculating a custom die price. In support of its rejection, the Office cites two portions of Nanbu, which describe alternative functionality for the marketing supporting apparatus. In particular, the apparatus can be used to “serve as a die retrieval apparatus for selecting [a standard] die...” Nanbu, col. 14, lines 25-33; see col. 3, line 57-col. 4, line 8; col. 14, line 25-col. 15, line 14. Alternatively, the apparatus can be used to “perform automatic designing of a die product... in answer to even a requirement for a product except for standard products.” Nanbu, col. 4, lines 9-24; see also col. 15, line 15-col. 18, line 33. However, Applicants note that both functions are not used together in Nanbu to calculate any price. In the claimed invention, the base die is used in the calculation of the custom die price, while the reference die is used in calculating a complexity factor, which in turn is used in the calculation of the custom die price. To this extent, Applicants claimed invention uses both a base die and a reference die to calculate a custom die price. This feature is neither taught nor suggested by Nanbu. As a result, Applicants again respectfully request withdrawal of the rejection of claims 1, 10, 17, and 20 as allegedly being unpatentable over Nanbu.

Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office’s interpretation of the claimed subject matter or the reference used in rejecting the claimed subject matter. These features have not been separately argued herein for brevity. Additionally, Applicants do not acquiesce to the Office’s modifications of the reference or the motives for

such modifications, which have not been clearly stated by the Office to enable Applicants to properly present arguments. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. W. LaBatt' with a stylized flourish at the end.

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